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REMARKS**Introductory Comments**

The Office Action rejects claims 1-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0114437 ("Nabkel") in view of U.S. Patent No. 6,044,403 ("Gerszberg").

No amendments have been made to the claims in this paper. Consequently, claims 1-30 remain pending in the application. Applicants respectfully request reconsideration of the presently pending claims based on the reasons provided below. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserve the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Rejection of Claims 1-30 under 35 U.S.C. §103(a)

On page 2 of the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §103(a) as being unpatentable over Nabkel in view of Gerszberg. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed Cir. 1992)." M.P.E.P. § 2143.01. Thus, a *prima facie* case of obviousness requires: (1) a suggestion or motivation to modify or combine the reference teachings; (2) a reasonable expectation of success; and (3) a teaching or suggestion in the prior art references of all of the claim limitations (MPEP 2143). For at least the reasons discussed below, the Office Action does not satisfy all of these requirements.

A. Independent Claims 1, 19, 25, 29, and 30

Independent claims 1, 19, 25, 29, and 30 each recite claim limitations that are not taught or suggested in Nabkel, Gerszberg, or the combination thereof. Independent claim 1 recites:

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1. (Original) A telephony system, comprising:
a service node configured to communicate with a user device and provide a user associated with the user device with an automated voice interface to the telephony system upon the user's initiating access to the telephony system via the user device,
wherein the automated voice interface is configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement and at least one form of information retrieval,
and wherein, upon receiving the desired objective from the user, the service node acts to implement the desired objective.

(Emphasis added.)

Independent claim 19 recites:

19. (Original) A service node for use in a telephony system including a switch, the switch providing system access for a user device, the service node comprising:
logic configured to communicate, via the switch, with the user device and to provide a user of the telephony system with an automated voice interface upon the user's initiating access to the telephony system via the user device,
wherein the automated voice interface is configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including call placement and at least one form of information retrieval,
and wherein, upon receiving the desired objective from the user, the service node acts to implement the desired objective.

(Emphasis added.)

Independent claim 25 recites:

25. (Original) A method of providing a user of a telephony system with an automated voice interface, comprising:
voicing a request to the user, upon the user's initiating access to the telephony system, that the user identify an intended objective;
awaiting the user's response to the voiced request;
selecting, based upon the user's response, one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement and at least one form of information retrieval; and
acting to implement the selected objective.

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(Emphasis added.)

Independent claim 29 recites:

29. (Original) A telephony system, comprising:
means for detecting a user's initiating access to the telephony system;
means for soliciting, upon the user's initiating access to the system, the user's verbal specification of one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement and at least one form of information retrieval; and
means for implementing the verbally specified objective.

(Emphasis added.)

Independent claim 30 recites:

30. (Original) A computer-readable medium including a plurality of instructions that, when executed by a service node in a telephony system, cause the service node to function as an automated telephone attendant, the computer-readable medium comprising:
instructions for voicing a request to a telephone user that the user state an intended objective;
instructions for selecting, based upon the user's stated objective, one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement and at least one form of information retrieval; and
instructions for acting to implement the selected objective.

(Emphasis added.)

Applicants' specification states:

[0016] Generally, systems and methods consistent with the present invention provide a voice-based, rather than a key-sequence-based, user interface for telephony. Such a voice-based user interface serves as a personal telephone attendant, or personal telephone concierge, accessing and retrieving audio and/or text information based on a subscribing user's spoken instructions.

[0017] In exemplary wireline implementations, the dial tone conventionally provided by the public switched telephone network (PSTN) is replaced by a voiced greeting. In exemplary wireless implementations, the voiced greeting is presented upon the user's dialing, either manually or by voice-activation, an attendant-specific code (e.g., a short key sequence beginning with "#" or "*" and followed by "send").

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[0018] Upon receiving the voiced greeting, the user states his or her desired objective. For example, the user may wish to place a directory assisted call, or may instead wish to retrieve information from a third-party source (e.g., weather, stock quotes, driving directions, etc.). Accordingly, the voice-based system interface (also referred to hereinafter as the personal attendant or, more simply, the attendant) applies speech recognition to decipher the user's statement and thereby determine the nature of the user's intent.

[0019] If necessary, the personal attendant also uses voiced instructions to solicit a further refinement of the user's objective. For example, if the user wishes to place a directory assisted call, the personal attendant may solicit the user's spoken indication of the identity of the receiving party. Alternatively, if the user wishes to retrieve third-party information, the personal attendant may solicit the user's spoken indication of the precise nature of that information.

[0020] Upon determining the user's specific objective, the personal attendant retrieves the relevant information from an appropriate source (e.g., from a local or remote telephone directory database, or from a third-party vendor database) and acts to carry out the user's intent. For example, when the user wishes to place a call, the personal attendant can provide the destination number to the user's originating telephone switch so that the call can proceed automatically to completion. Alternatively, when the user requests third-party information, the personal attendant can voice the retrieved data back to the user. In such case, audio data (e.g., ".wav" or other audio format files) are played directly for the user, while other data are first converted to audio form (e.g., via text-to-speech (TTS) technology) before being played for the user.

[0021] Advantageously, systems and methods consistent with present invention free the user from having to remember or record telephone numbers. Through simple verbal interactions with the personal attendant, the user can place calls and gain access to a wide variety of information just by picking up a telephone handset, and without ever having to dial a destination number.

(Applicants' spec., paras. 0016-0021, emphasis added.)

Nabkel and Gerszberg, considered either alone or in combination, do not teach or suggest the claim limitations directed to an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement, as recited in independent claims 1, 19, 25, 29, and 30. On page 2 of the Office Action, the Examiner asserts that Nabkel teaches:

...a telephone system which provides an automated voice interface (note announcement device in Fig. 1), permitting the user to verbally specify an object corresponding to predefined objectives (paragraphs 0008 and 0011) including directory assistance (paragraph 0012)...

Applicants respectfully disagree because Nabkel does not teach or suggest directory assistance,

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much less an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement. The relied-upon section of Nabkel discloses, "Each subscriber telephone line has at least on Directory Number and an associated subscriber Profile including selected information services." However, a directory number associated with a telephone line is no more than the telephone number assigned to a telephone line, which is entirely different from directory assisted call placement as recited in the independent claims. Nabkel is limited to using the directory number to correlate a subscriber profile having selected information services. Nabkel, paras. 0008, 0025, and 0030. Nabkel does not include any teaching or suggestion of the information services including directory assistance, much less directory assisted call placement. Accordingly, Nabkel does not teach or suggest an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement. As admitted in the Office Action, Nabkel does not teach "conducting further action such as connecting a call to a third party." Office Action, page 2.

Gerszberg also fails to teach or suggest the claim limitations directed to an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement. On pages 2 and 3 of the Office Action, the Examiner asserts that Gerszberg at col. 23, lines 4-54 teaches:

an information or directory service that after receiving enough information can present the information, such as a requested phone number and automatically connect the caller to a third party.

Applicants respectfully disagree because the section of Gerszberg relied upon in the Office Action is limited to the use of a visual menu display on a personal computer and does not teach or suggest an automated voice interface that permits a user to verbally specify an objective that includes directory assisted call placement.

The relied-upon section of Gerszberg discloses a directory service connectivity "that may be offered the user as a menu display." Gerszberg, col. 23, lines 14-16. The same section further discloses a personal computer (1501) for originating a lookup message request and for

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displaying a directory lookup result. Gerszberg, col. 23, lines 23-24 and 37-41. "Along with the result, the display may provide immediate dialing opportunity for a telephony directory number...." Gerszberg, col. 23, lines 41-43. Gerszberg further discloses, "Once the result of the search is narrowed sufficiently to where the user may make a choice, the choice may include a hot spot for an immediate connection." Gerszberg, col. 23, lines 52-54. Thus, the relied-upon section of Gerszberg is limited to visually displaying a user-selectable hot spot on a personal computer, which hot spot can be selected by a user of the system of Gerszberg for an immediate connection. Accordingly, the user of the system of Gerszberg must have a visual display and would have to use the visual display to take an additional step of selecting a visual indicator (i.e., hot spot) in order to initiate an immediate connection. This teaches away from an automated voice interface that permits a user to verbally specify an objective that includes directory assisted call placement. Moreover, the use of a personal computer to submit a lookup message request as disclosed in Gerszberg also teaches away from an automated voice interface that permits a user to verbally specify an objective that includes directory assisted call placement. Accordingly, Gerszberg does not teach or suggest an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement.

The combination of Nabkel and Gerszberg also fails to teach or suggest these claim limitations. On page 3 of the Office Action, the Examiner asserts:

It would have been obvious to one of ordinary skill in the art to have incorporated such a platform as taught by Gerszberg into the Nabkel et al. device as such would only entail the substitution of one known service platform for another.

At best, even if the asserted combination of Nabkel and Gerszberg were somehow proper, the asserted combination would be limited to a directory service that requires the user to have access to a visual display device and that the user select a visual indicator from the visual display to connect a telephone call because of the substitution of the service platform of Gerszberg for the service platform of Nabkel. Accordingly, the combination of Nabkel and Gerszberg fails to teach or suggest an automated voice interface configured to permit the user to verbally specify a desired objective corresponding to any one of a plurality of predefined objectives, the predefined objectives including directory assisted call placement.

Moreover, one of ordinary skill in the art having read either Nabkel or Gerszberg would

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not have been motivated to look to the other reference to cure the deficiencies in the first reference. Even if one service platform could be substituted for another service platform as alleged on page 3 of the Office Action, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1420 (Fed. Cir. 1990)." M.P.E.P. § 2143.01. Further, a reference must be considered for all it teaches, including disclosures that teach away from the invention as well as disclosures that point toward the invention. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.* 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985). Gerszberg is directed to a network server platform for Internet, Java server, and video application server. Gerszberg, Title and Abstract. As described above, the platform of Gerszberg relies upon visual displays and the selection of visually displayed indicators to access services and, as such a visual-based system, the system Gerszberg teaches away from the asserted substitution of the platform of Gerszberg for the service platform of Nabkel, which discloses the use of voice commands to access information services. Nabkel, para. 0025.

In addition, the substitution of the visual interface of Gerszberg for the voice interface of Nabkel would impermissibly modify the principles of Nabkel by eliminating the voice-based platform of Nabkel. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)." M.P.E.P. § 2143.02. For the above-described reasons, one of ordinary skill in the art would not have been motivated to combine Nabkel and Gerszberg as asserted in the Office Action.

For any of the foregoing reasons, the Office Action fails to establish a *prima facie* case of obviousness against independent claims 1, 19, 25, 29, and 30. Therefore, the rejection of these claims should be withdrawn.

B. The Dependent Claims Recite Patentable Subject Matter

Dependent claims 2-18, 20-24, and 26-28 are in condition for allowance as claims depending directly or indirectly from independent claim 1, 19, or 25. Nevertheless, the

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dependent claims also recite independently patentable subject matter not taught or suggested in Nabkel, Gerszberg, or the combination thereof. Merely by way of example, claim 3 recites:

3. (Original) The telephony system according to claim 1, wherein the user device is a wireless telephone, and wherein the user initiates access to the telephony system by dialing a predefined key sequence.

According to the Office Action, the limitations recited in claim 3 "would be inherent in a wireless system and it would have been obvious to one of ordinary skill to migrate that which is known in wireline to wireless." Office Action, page 3. "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (citations omitted). The Office Action does not provide sufficient evidence that a user initiating access to the telephony system by dialing a predefined key sequence would be necessarily present in Nabkel, Gerszberg, or the combination thereof. If the Examiner continues to rely upon inherency to reject claim 3, Applicants respectfully request that the Examiner expressly point out how initiating access to the telephony system by dialing a predefined key sequence is necessarily present in the prior art of record. Because these limitations are not necessarily present in the prior art of record, the rejection of claim 3 should be withdrawn.

By way of another example, claim 9 recites:

9. (Original) The telephony system according to claim 8, wherein the service control point is further configured to verify a voice interface service subscription for the user device prior to setting up a communication channel between the service node and the switch.

According to the Office Action, the limitations recited in claim 9 "would be inherent unless the service is free which is not the way business is done." Office Action, page 3. However, there is no teaching or suggestion in Nabkel or Gerszberg of their respective systems being limited to charging for the services provided by the systems. Therefore, the reasoning presented in the Office Action does not show that verifying a voice interface service subscription as recited in

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claim 9 would be necessarily present in Nabkel, Gerszberg, or the combination thereof.
Therefore, the rejection of claim 9 should be withdrawn.

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CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

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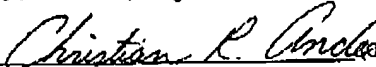
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